

CITY OF MORGAN HILL
JOINT CITY COUNCIL AND
SPECIAL REDEVELOPMENT AGENCY MEETING
MINUTES - AUGUST 16, 2000

CALL TO ORDER

Mayor Pro Tempore/Agency Member Tate called the meeting to order at 6:40 p.m.

ROLL CALL ATTENDANCE

Present: Council/Agency Members Chang, Sellers, and Mayor Pro Tempore/Agency Member Tate
Absent: Council/Agency Member Cook and Mayor/Chairman Kennedy

DECLARATION OF POSTING OF AGENDA

City Clerk/Agency Secretary Torrez certified the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

CLOSED SESSION

Interim City Attorney Leichter announced the following closed session items:

1

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Legal Authority: Government Code section 54956.9(c) - Initiation of litigation
Attendees: City Manager, Interim City Attorney, Finance Director

2

PUBLIC EMPLOYMENT

Legal Authority: Government Code Section 54957
Position: City Attorney Recruitment

Mayor Pro Tempore/Agency Member Tate opened the closed session items to public comment. No comments were offered.

ADJOURN TO CLOSED SESSION

Mayor Pro Tempore/Agency Member Tate adjourned the meeting to closed session at 6:42 p.m.

RECONVENE

Mayor Pro Tempore/Agency Member Tate reconvened the meeting at 7:13 p.m.

CLOSED SESSION ANNOUNCEMENT

Interim City Attorney Leichter announced no reportable action was taken on the above listed closed session items.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

At the invitation of Mayor Pro Tempore/Agency Member Tate, Larry Carr led the Pledge of Allegiance.

INTRODUCTION

Chief of Police Schwab introduced newly hired *Police Officer* Stacey Thornburg.

PRESENTATION

The presentation of a Certificate of Achievement for *Excellence in Financial Reporting* was deferred.

Mayor Pro Tempore Tate presented a plaque to the Business Assistance and Housing Programs staff as follows: National Association of Housing and Redevelopment Officials (NAHRO) 2000 National Award of Merit for the 1) Cochrane Village Apartments and 2) Senior Housing Repair Program.

CITY COUNCIL REPORT

Council Member Sellers reported on the following: 1) The Valley Transportation Authority (VTA) Code Committee looks at community oriented designs, beautification opportunities within transit facilities and highway interchanges (e.g., new and existing transit stops). He said there are beautification opportunities in Morgan Hill. 2) City-School Liaison Committee has been meeting regularly on a monthly basis working on the development of a high school at different sites, and a memorandum of understanding (MOU) on the detail work that is required by commitments in working together toward the development of the high school site to make sure it is developed properly and alleviate over crowding conditions. The Committee is also working together toward development and growth throughout the district such as an aquatic center, coordinating efforts.

CITY MANAGER'S REPORT

City Manager Tewes indicated he had did not have a City Manager's report to present this evening.

INTERIM CITY ATTORNEY'S REPORT

Interim City Attorney Leichter distributed the Litigation Summary, noting that there are two additions relating to eminent domain cases listed as items 6 & 7 on said Summary. In addition, the CORD vs. CRAD case has dropped off the Litigation Summary as the Court has concluded this case has been finalized and has been taken off their roster.

CONSENT CALENDAR:

City Manager Tewes requested Consent Calendar Item 12 be pulled from the Consent Calendar.

Action: *On a motion by Council Member Sellers and seconded by Council Member Chang, the City Council, on a 3-0 vote (Council Member Cook and Mayor Kennedy absent) **approved** Consent Calendar Items 1-11 and 13-16 as follows:*

1. **JULY 2000 FINANCE AND INVESTMENT REPORT**

Action: ***Accepted and filed** report.*

2. **PURCHASE REPLACEMENT POLICE PATROL VEHICLES**

Action: ***Authorized** the Purchase of Four Replacement Police Patrol Vehicles at a Total Cost of \$97,521.*

3. **APPROVE PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION STAKING FOR BUTTERFIELD EXTENSION**

Action: ***Authorized** the City Manager to Execute Agreement with MH Engineering for Construction Staking and Other Professional Services for Butterfield Extension in the Amount of \$41,300.*

4. **AMENDMENT TO AGREEMENT WITH VTA TO RECEIVE MEASURE A & B FUNDS FOR PAVEMENT MAINTENANCE**

Action: ***Approved** the Amendment to June 16, 1999 VTA Agreement and Authorize the City Manager to Execute the Amendment on behalf of the City.*

5. **ACCEPTANCE OF THE MONTEREY/COSMO TRAFFIC SIGNAL PROJECT**

Action: *1) **Approved** Change Order in the Amount of \$16,426.60 for Pavement Repair Work, 2) **Accepted** as Complete the Monterey/Cosmo Traffic Signal Project in the Final Amount of \$155,653.38, and 3) **Directed** the City Clerk to File the Notice of Completion with the County Recorder's Office.*

6. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR SAINT JAMES PLACE PH. I (TRACT 9016)**

Action: *1) **Adopted** Resolution No. 5419 Accepting the Public Improvements for Tract 9016, Commonly Known as Barrett Avenue - Saint James Place Ph. I and 2) **Directed** the City Clerk to File a Notice of Completion with the County Recorder's Office.*

7. **AMENDMENT TO CITY OF MORGAN HILL'S VALLEY TRANSPORTATION PLAN (VTP) 2020 LIST OF PROJECTS**

Action: ***Approved** Resolution No. 5420 Adding the Projects Listed on Exhibit B to the City's List of VTP 2020 Projects.*

8. **APPROVE AGREEMENT WITH UNION PACIFIC RAILROAD AND APPROVE CHANGE ORDERS FOR THE MADRONE AVENUE UNDERPASS SEISMIC RETROFIT PROJECT**

Action: *1) **Approved** the Agreement with Union Pacific Railroad, 2) **Approved** Construction Change Orders No. 1, 2 & 3 with Cunningham & Sons in the Amount of \$21,983 and 3) **Appropriated** \$33,308 from Unappropriated Street Fund Balance to Project No. 514093.*

9. **U.S.A. APPLICATION 00-02: SUNNYSIDE-STODDARD**

Action: *Delayed the August Urban Service Boundary Review to the September 20 Council Meeting.*

10. **RESPONSE TO ABAG FAIR SHARE ALLOCATION**

Action: *Directed the City Manager to Forward the Letter to ABAG Objecting to Proposed Housing Allocation for Morgan Hill.*

11. **REQUEST FOR CITY SPONSORSHIP/DONATION-PRIDE OF MORGAN HILL**

Action: *Approved a \$200 Donation to the Pride of Morgan Hill 14 & Under Softball Team.*

13. **FINAL MAP ACCEPTANCE FOR MORGAN MEADOWS PH. II (TRACT 9255)**

Action: *1) Approved the Final Map, Improvement Plans and Subdivision Improvement Agreement, 2) Authorized the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City, and 3) Authorized the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.*

14. **SPECIAL CITY COUNCIL MEETING MINUTES OF JULY 19, 2000**

Action: *Approved the minutes as written.*

15. **SPECIAL CITY COUNCIL MEETING MINUTES OF JULY 22, 2000**

Action: *Approved the minutes as written.*

16. **SPECIAL CITY COUNCIL MEETING MINUTES OF JULY 26, 2000**

Action: *Approved the minutes as written.*

12. **AWARD OF CONTRACTS FOR CONSTRUCTION OF STREET RESURFACING AND RECONSTRUCTION – 2000 PROJECT**

Acting Public Works Director Struve presented the staff report. He indicated the construction project will begin in September with a target completion date of early November. Staff hopes to complete Monterey Road improvements next year.

Action: *On a motion by Council Member Sellers and seconded by Council Member Chang, the City Council, on a 3-0 vote with Council Member Cook and Mayor Kennedy absent: 1) Awarded Contract to C.F. Archibald Paving for the Construction of Street Resurfacing and Reconstructions – 2000 Project in the Amount of \$1,125,925, and 2) Approved Professional Services Contract with Harris and Associates for Inspection Services and Project Administration for \$60,800.*

Redevelopment Agency Action

CONSENT CALENDAR:

Action: *On a motion by Vice-Chairman Sellers and seconded by Agency Member Chang, the Agency Commission, on a 3-0 vote (Agency Member Cook and Chairman Kennedy absent), **approved** Consent Calendar Item 17 as follows:*

17. FEE PAYMENT REQUEST FOR MACSA/EL TORO YOUTH ADDITION

Action: 1) **Approved** a Grant of Up to \$5,000 in Redevelopment Funds to the Mexican American Community Services Agency (MACSA) to Pay for City Fees and Permits Relating to the Addition to the El Toro Youth Center and 2) **Authorized** the Executive Director to Do Everything Appropriate to Pay the City Fees and Permits Related to the Addition.

City Council Action

PUBLIC HEARINGS:

18. ZONING AMENDMENT APPLICATION ZA-98-11: PUD ORDINANCE AND DISTRICT AMENDMENTS

Director of Community Development Bischoff indicated that a Council Member requested this item be continued to the next meeting in order to be in attendance when this matter is discussed.

Mayor Pro Tempore Tate opened the public hearing. Bruce Tichinin indicated he represents the owners of the Laurel Inn property located on Condit Road. It was his belief that the City actions taken to date with the zoning matter has exposed it to liability and damage in delay. His client is seeking permission to build. He stated he would be submitting to the City Attorney and the City Council with the precise specifications of the legal charges and an offer of settlement by next Tuesday and within 10 days would submit a precise statement of claim to damages. He requested the City Council give his position adequate consideration to be acquainted with his claim before it takes action. No other comments were offered.

Action: *On a motion by Council Member Chang and seconded by Council Member Sellers, the City Council, on a 3-0 vote (Council Member Cook and Mayor Kennedy absent), **Continued** the public hearing to an adjourned meeting scheduled for August 23, 2000, 7:00 p.m.*

OTHER BUSINESS:

19. APPOINTMENT AND CONTRACT FOR CITY ATTORNEY

Mayor Pro Tempore Tate reported the City Council has agreed to appoint Helene Leichter and the Council would be considering the approval of a contract with Ms. Leichter for City Attorney services.

Action: *On a motion by Council Member Chang and seconded by Council Member Sellers, the City Council on a 3-0 vote with Council Member Cook and Mayor Kennedy absent, **approved** the contract with Helene Leichter and **appointed** her as the City Attorney.*

Council Members Chang and Sellers and Mayor Pro Tempore Tate stated they were pleased with the appointment of Ms. Leichter as the City Attorney on a full time basis.

Council Member Sellers stated it was a desire of the City Council and the needs of the community for an in house full time City Attorney. He said the Council was fortunate to have an interim City Attorney whose services far exceeded the services that could have been afforded and ended up with someone whose skills the City Council was impressed with. He felt the stability and level of professionalism are the two things what will serve the City the most now that the top administrators are in place. Both Ms. Leichter and City Manager Tewes will provide stability and a level of professionalism that will ensure long term service to the City and the community.

City Attorney Leichter thanked the City Council for this opportunity and stated she was pleased to be with the City on a full time basis. She felt it was an exciting time in Morgan Hill's History and she was pleased to be part of this history. She feels the City has a great management team and it can fulfill the Council's desires in the coming years.

City Manager Tewes appreciated the City Council's thoroughness in its approach to the appointment of the top executives. On behalf of the organization, he expressed his appreciation to the City Council for filling the City Attorney's position on a full time basis. He felt there are important issues that need to be addressed with a full time staff on board. On behalf of the organization, he stated his appreciation of working with City Attorney Leichter. He concurred that the City has an excellent professional team that will well serve the community of Morgan Hill.

20. SUPPLEMENTAL LAW ENFORCEMENT FUNDING

Chief of Police Schwab presented the staff report. Mayor Pro Tempore Tate opened the floor to public comment. No comments were offered.

Action: *On a motion by Council Member Sellers and seconded by Council Member Chang, the City Council, on a 3-0 vote with Council Member Cook and Mayor Kennedy absent: 1) **Approved** the FY 00/01 Spending Plan for Supplemental Law Enforcement Funding Program, 2) **Authorized** Two Additional Community Service Officer Positions for the Police Department, 3) **Increased** Revenue to the Public Safety Trust Fund (205) by \$32,000 in FY 00/01 and 4) **Appropriated** an Additional \$79,487 in various Police Department General Fund Activities.*

21. CONSIDERATION OF CONTRACT AMENDMENT FOR PARKS, FACILITIES, AND RECREATION PROGRAMMING MASTER PLAN

Acting Director of Public Works Struve presented the staff report. He explained the process of performing the telemarketing survey.

Council Member Sellers indicated it was not clear whether the request for the survey came initially from the consultant or the Parks & Recreation Commission. Mr. Struve indicated that in January 2000, the

Council indicated an interest in staff investigating this type of service. The Parks and Recreation also wanted to make sure the City was receiving a comprehensive representation from the City's residents.

Council Member Sellers noted that the City Manager will have an opportunity to review the questions before the phone survey takes place. If it is appropriate, he requested the opportunity to review the questions concurrently as he is familiar with this similar type of work. He indicated he was pleased with the selection, as the firm is familiar with what the City would be looking for in the survey.

Mayor Pro Tempore Tate noted that staff has indicated one of the questions to be asked is who should be providing recreational services. He asked if the YMCA and/or other organizations were going to be incorporated and be asked to review the survey questions in advanced to provide their input? City Manager Tewes stated the survey is intended to collect data. The survey is about the programming part and not the facility part of the master plan. The opportunities available to the City range from providing only fee based programs to providing only free/subsidized programs. The consultant, Parks and Recreation Commission, City Council and staff are interested in finding out, from a marketing perspective, where is the City's niche in this very large market of recreational programming. In order for the questionnaire to be helpful it has to identify how the market is currently being served, including the current providers such as the YMCA and to find out what is the appropriate role for the City.

Council Member Sellers stated he hopes the community center will be included as offering recreational opportunities. He said there would be opportunities for recreational programs as the community center has been designed to afford flexibility in order to respond to changing community needs. He felt the solicitation of community input is valuable to hear what residents think about recreational programs.

Mayor Pro Tempore Tate opened the floor to public comment. No comments were offered.

Action: *On a motion by Council Member Chang and seconded by Council Member Sellers, the City Council, on a 3-0 vote with Council Member Cook and Mayor Kennedy absent: 1) **Approved** Contract Amendment for Conducting Telephone Survey and 2) **Appropriated** Funds in the Amount of \$22,000 from Unappropriated Park Development Fund Balance for the Amendment.*

22. CODE ENFORCEMENT ACTIVITIES AND PRIORITIES

Chief Building Official Washko presented the staff report. He addressed the manner in which complaints are responded to. He addressed complaints based on priorities, including the hearing process, cost recovery and staff follow-up. It is staff's hope to reduce code violations in the future.

Mayor Pro Tempore Tate opened the floor to public comment. No comments were offered.

Action: *On a motion by Council Member Sellers and seconded by Council Member Chang, the City Council, on a 3-0 vote with Council Member Cook and Mayor Kennedy absent, **Endorsed** Recommended Code Enforcement Priorities by Minute Action.*

SECOND READING OF ORDINANCE:

Action: *On a motion by Council Member Sellers and seconded by Council Member Chang, the City Council, Adopted the following Ordinances:*

23. ADOPTION OF ORDINANCE NO. 1485, NEW SERIES

An Ordinance of The City Council of The City of Morgan Hill Approving a Development Agreement for Glenrock/Shea for a 22-unit Addition to the 60-unit Madrone Crossing Project Which Was Awarded an Allocation Through the Residential Development Control System for Fiscal Year 2001-2002, and Fiscal Year 2002-2003 by the following roll call vote: AYES: Chang, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: Cook, Kennedy.

24. ADOPTION OF ORDINANCE NO. 1486, NEW SERIES

An Ordinance of The City Council of The City of Morgan Hill Amending the Standards and Criteria and Procedures of the Residential Development Control System as Set Forth in Chapter 18.78 of the Morgan Hill Municipal Code by the following roll call vote: AYES: Chang, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: Cook, Kennedy.

City Council & Redevelopment Agency Action

CONSENT CALENDAR:

Action: *On a motion by Council/Agency Member Sellers and seconded by Council/Agency Member Chang, the City Council/Agency Commission, on a 3-0 vote with Council Member Cook and Mayor Kennedy absent, approved Consent Calendar Items 25 and 26 as follows:*

25. SPECIAL JOINT CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JULY 19, 2000

Action: *Approved the minutes as written.*

26. JOINT REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES OF JULY 26, 2000

Action: *Approved the minutes as written.*

CLOSED SESSION:

City Manager Tewes indicated there was no compelling need to go into closed session as information can be shared at a future meeting.

Action: *It was the consensus of the City Council to forgo going into closed session for Closed Session Item 3.*

3.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority:	Government Code 54956.8 & 54956.9(c) (1 potential case)
Real Property(ies) involved:	APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Mission View and Cochrane Road; and APN 728-31-009 - 12.88 acres located on the southeast corner of Cochrane and Highway 101 (St. Louise Hospital property)
City Negotiators:	Agency Members; Executive Director; Interim Agency Counsel; and F. Gale Conner, special counsel
Closed Session Topic:	Potential Litigation

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

No items were identified.

ADJOURNMENT

There being no further business, Mayor Pro Tempore/Agency Member Tate adjourned the meeting at 7:57 p.m.

MINUTES RECORDED AND PREPARED BY:

Irma Torrez, City Clerk/Agency Secretary